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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,160	01/28/2004	Haruo Yoshida	248138US6	2145
22850 7590 10/03/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER COLEMAN, VANESSA V	
			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
			10/03/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	Application No. 10/765,160	Applicant(s) YOSHIDA ET AL.	
	Examiner Vanessa (Brandi) Coleman	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding Claim 1, the specification is not enabling for the limitation "wherein the information adding unit is further configured to continuously provide entry areas in which the flag indicating invalidity is set in a physical area in which the index file can be continuously recorded, and to write invalid data in the entry areas before said each content file is recorded first to the recording medium." The examiner understands the

limitation to mean that the information adding unit continuously identifies the areas of the recording medium to which the flag corresponding to the recording state of the content file (as cited earlier in the claim) *is presently set* on the medium, those areas being suitable to continuously record the corresponding index file, and that invalid data is written in those same entry areas before recording each content file to the recording medium. Applicant's specification (Page 19, lines 16-25; cited by applicant as support for the amended claims in the Amendment dated June 12, 2007) states, "the system control unit 15 sets an invalid flag as described above, first for the property entry 201, of the entry areas of the various entries 201 to 204 provided on the recording medium 2, as shown in Fig.9. In this case, the system control unit 15 may set an invalid flag at each entry number, for example, in accordance with a physical area where the index file can be continuously recorded. In this case, the system control unit 15 may identify the number of entries for which an invalid flag can be set with respect to the physical area for recording the index file and may decide an entry number at which an invalid flag is to be actually set, in accordance with the number of identified entries." The examiner understands this passage to mean that the information adding unit/control unit 15 *sets the flag* corresponding to the recording state of the content file for a specific entry area on the recording medium; that the flag has the ability *to be set* at each entry number of the property entry of the index file (see explanation of "entry number", page 16, lines 6-9) in the event that the area allows for continuous recording of the index file; and that the information adding unit/control unit 15 is able to count the number of eligible entries to which an invalid flag is capable of being set in the event that the area allows for

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continuous recording of the index file and can select a particular entry number of the index file to set the flag based on that number.

Based on the interpretation of the Claim 1 and the interpretation of the cited passage of applicant's specification, the examiner contends that the specification is not enabling for the noted limitation. Firstly, the specification fails to recite that the information adding unit "continuously" locates or identifies (recited "provides" in the claim) entry areas to which the flag is currently set, but rather that the information adding unit either sets the flag to a particular entry area (lines 16-18) or counts the number of entry areas to which the flag may be set and then determines where to set the flag (lines 21-24); neither of those cases supporting a flag being presently set to an entry area or the information adding unit continuously providing eligible entry areas. Further, while the limitation "to write invalid data in the entry areas before said each content file is recorded first to the recording medium" of the claim is supported by applicant's specification (page 20, lines 4-7), it is unclear based on the specification what is meant by "invalid data." The specification is rendered further incoherent in that in line 7, "this valid data" is cited as being written to "the entry," giving the impression that the data is referring back to the invalid data that is cited at the beginning of the passage.

Regarding Claim 3, the specification is not enabling for the limitation "the information adding unit is further configured to search the recording medium for a free area in which the index file can be continuously recorded in accordance with the

recording state of said each content file with respect to the recording medium, to add an entry area in which the flag indicating invalidity is set in the free area thus searched for, and to write invalid data in the added entry area.” The examiner understands the limitation to mean that the information adding unit accesses the recording medium to locate an unrecorded area to which an index file has the ability to be recorded continuously, that the information adding unit adds an entry area having the flag corresponding to the recording state of the content file set thereto to the unrecorded area, and that the information adding unit writes invalid data to the entry area added to the unrecorded area of the medium. In attempting to identify support for the limitations of Claim 3, the examiner references pages 21, beginning at line 4, to page 24, ending at line 19. With respect to the limitation “the information adding unit is further configured to search the recording medium for a free area in which the index file can be continuously recorded in accordance with the recording state of said each content file with respect to the recording medium,” the specification contradicts the examiner’s interpretation of the limitation in the passages found on page 21, lines 7-13, where the control unit accesses the medium and searches for a free area to which a content file is to be recorded and records the content file to the free area, versus the medium being searched for a free area to which an index file can be continuously recorded and writing invalid data to the entry area; page 21, lines 17-21, where an entry area 502 with an invalid flag set and a free area 503 for recording a new content file is generated, versus searching for a free area to which an index file can be continuously recorded and adding an entry area to that free area on the medium; page 23, lines 19-22, where the recording medium can be

searched for a physically continuous free area and the free area can be added as an invalid area in the index file, versus searching the medium for a free area to continuously record the index file and adding an entry area to that free area on the medium; and page 24, lines 11-19, where the control unit searches the medium for a physically continuous free area and writes the index file with an invalid flag set therein to that area in a particular entry area and invalid data is written according to the entry number of the invalid flag set in the index file, versus searching the medium for a free area to which an index file can be continuously recorded, adding an entry area to that free area on the medium, and writing invalid data to that entry area.

Regarding Claim 5, the specification is not enabling for the limitation "continuously providing entry areas in which the flag indicating invalidity is set in a physical area in which the index file can be continuously recorded; and writing invalid data in the entry areas before said each content file is recorded first to the recording medium." Refer to the explanation for the rejection of Claim 1 above.

Regarding Claim 7, the specification is not enabling for the limitation "searching the recording medium for a free area in which the index file can be continuously recorded in accordance with the recording state of said each content file with respect to the recording medium; adding an entry area in which the flag indicating invalidity is set in the free area thus searched for; and writing invalid data in the added entry area." Refer to the explanation for the rejection of Claim 3 above.

Claims 2, 4, 6, and 8-18 are rejected as being dependent on rejected base  
Claims 1 and 5, respectively.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 1 and 5 recite the limitation "the flag indicating invalidity" in lines 10 and 8, respectively. There is insufficient antecedent basis for this limitation in the claim.

7. In view of the 112 (1<sup>st</sup>, 2<sup>nd</sup>) rejections above, no comment will be made in this office action regarding allowability of the claims over the prior art of record.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa (Brandi) Coleman whose telephone number is (571) 272-9081. The examiner can normally be reached on Mon-Thurs 8:30-6; 1st Fri off, 2nd Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vanessa (Brandi) Coleman  
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VC



WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER